



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIL

FEB 28 2007

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

MICROSOFT CORPORATION
ATTN: PATENT GROUP DOCKETING DEPARTMENT
ONE MICROSOFT WAY
REDMOND WA 98052-6399

In re application of
SEDKY, KHALED, et al.
Application Serial No. 10/779,430
Filed: February 13, 2004
For: **SCALABLE PRINT SPOOLER**

DECISION
ON PETITION

This is a response to the petition under 37 CFR 1.59(b), filed September 7, 2005, to expunge information from the above identified application.


The decision on the petition will be held in abeyance until prosecution on the merits is closed, at which time the petition will be decided.

Petitioner requests that the information submitted in an Information Disclosure Statement, filed March 7, 2005, be expunged from the record. Petitioner states that failure to obtain its return would cause irreparable harm to Applicant, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material", with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material". If the information is not considered by the examiner to be material, the information will be returned to applicant.

The document in question will not be available to the public during prosecution.


Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications